



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/564,621

08/07/2006

Mitsuru Hamada

05874/LH

1527

1933 7590 05/12/2009

FRISHAUF, HOLTZ, GOODMAN & CHICK, PC
220 Fifth Avenue
16TH Floor
NEW YORK, NY 10001-7708

EXAMINER

CHOWDHURY, NIGAR

ART UNIT

PAPER NUMBER

2621

MAIL DATE

DELIVERY MODE

05/12/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/564,621	Applicant(s) HAMADA, MITSURU	
	Examiner NIGAR CHOWDHURY	Art Unit 2621	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 January 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 January 2006 is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/12/06</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

1. Claims 1, 5-7, 11-12, 15-17, 20 are rejected under 35 U.S.C. 102(e) as being anticipated by US 7,319,480 by Akiyama et al.

2. Regarding **claim 1**, a video playback device comprising the following configuration:

- a video storage means for storing a plurality of videos (col. 4 lines 25-28);
- a thumbnail image generation means for generating thumbnail images from videos and for generating thumbnail images (col. 3 lines 60-65);
- a thumbnail image storage means for storing thumbnail images of videos and correspondingly appending plural sets generated in thumbnail image generation means (col. 4 lines 16-49);
- a display means for performing a list display of thumbnail images for plural sets stored in thumbnail image storage means (fig. 1, col. 2 lines 25-39);
- a selection means for selecting any one of a plurality of thumbnail images displayed in display means (col. 7 lines 24-40); and

- a playback means for reducing the size of a particular thumbnail image and replaying a video corresponding to a thumbnail image selected in selection means in thumbnail image display position (fig. 5, col. 7 lines 24-40).

3. Regarding **claim 5**, the video playback device further comprises:

- an assignment means for assigning special effects in optional frames of video stored in video storage means (fig. 5, col. 4 lines 16-28, col. 7 lines 8-23); and
- thumbnail image generation means generates a thumbnail image from a frame in which special effects are not assigned by assignment means (fig. 5, col. 4 lines 16-28, col. 7 lines 8-23).

4. Regarding **claim 6**, the video playback device wherein thumbnail image generation means generates a thumbnail image from a frame of any lead frame, intermediate frame or final frame of a video stored in video storage means (col. 4 lines 16-28).

5. Regarding **claim 7**, the video playback device further comprises:

- an imaging means (fig. 1 (300)); and
- video storage means stores video imaged by imaging means (fig. 1 (360B)).

6. Regarding **claim 11**, a video playback method comprising the following steps:

- a thumbnail image generation step for generating thumbnail images from a plurality of videos and for generating thumbnail images stored in a first memory (col. 3 lines 59-65, col. 4 lines 4-35, col. 7 lines 8-13, storage medium is divided into different part, i.e., hard drive. Therefore, we can say a first memory is where thumbnail images are stored);
- a thumbnail image storage step for storing thumbnail images of videos and correspondingly appending plural sets generated in thumbnail image generation step in a second memory (col. 4 lines 16-49);
- a display step for performing a list display of thumbnail images for plural sets stored in said thumbnail image storage step (fig. 1, col. 2 lines 25-39);
- a selection step for selecting any one of a plurality of thumbnail images displayed in said display step (col. 7 lines 24-40); and
- a playback step for reducing the size of a particular thumbnail image and replaying a video corresponding to said selection step in said thumbnail image display position (fig. 5, col. 7 lines 24-40).

7. Regarding **claim 12**, the video playback method further includes:

- a storage and management step for correspondingly appending and managing storage addresses of videos in first memory (col. 3 lines 48-65, col. 4 lines 16-35); and

Art Unit: 2621

- second memory stores only thumbnail images generated by thumbnail image means and storage addresses of thumbnail images in second memory (col. 3 lines 48-65, col. 4 lines 16-35).

8. **Claim 15** is rejected for the same reason as discussed in the corresponding claim 5 above.

9. **Claim 16** is rejected for the same reason as discussed in the corresponding claim 6 above.

10. **Claim 17** is rejected for the same reason as discussed in the corresponding claim 7 above.

11. **Claim 20** is rejected for the same reason as discussed in the corresponding claim 11 above.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2-4, 9-10, 13, 14, 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 7,319,480 by Akiyama et al.

Art Unit: 2621

13. Regarding **claim 2**, Akiyama discloses the video playback device wherein thumbnail image storage means is characterized by:

- a means for storing thumbnail images generated by thumbnail image generation means (col. 4 lines 16-35);
- means for storing stored addresses (col. 4 lines 16-35); and
- a storage and management means for correspondingly appending and managing storage addresses of videos (col. 4 lines 16-35)

Akiyama fails to disclose storing only thumbnail images generated by thumbnail images generation

It is noted that the use of storing only thumbnail images is old and well-known in the recording art. Therefore, official notice is taken. Moreover, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a well-known storing only thumbnail images for the advantage of providing more flexibility to a viewer to have a storage medium to store only thumbnail images for viewing only thumbnail images.

14. Regarding **claim 3**, Akiyama discloses the video playback device wherein storage and management means is characterized by correspondingly appending and storing the playback time acquired from videos (col. 4 lines 16-29).

Akiyama fails to disclose playback time duration acquired from videos

It is noted that the use of playback time duration is old and well-known in the recording art. Therefore, official notice is taken. Moreover, it would have been obvious

Art Unit: 2621

to one having ordinary skill in the art at the time the invention was made to have a well-known playback time duration for the viewer to have more flexibility while watching the thumbnails.

15. Regarding **claim 4**, Akiyama discloses the video playback device wherein storage and management means is characterized by correspondingly appending and storing the acquisition method source acquired from videos (col. 4 lines 16-28).

16. Regarding **claim 9**, Akiyama discloses the video playback device but fails to disclose the video playback device further comprises:

- an input means for acquiring video externally; and
- video storage means stores video inputted by input means.

It is noted that the use of external input and storing video inputted by external input is old and well-known in the recording art. Therefore, official notice is taken. Moreover, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a well-known external input and storing video inputted by external input for the viewer to have more videos to watch from external input.

17. Regarding **claim 10**, Akiyama discloses the video playback device but fails to disclose the video playback device wherein stores video acquired via broadcasting medium.

Art Unit: 2621

It is noted that the use of video acquire via broadcasting medium is old and well-known in the recording art. Therefore, official notice is taken. Moreover, it would have been obvious to one having ordinary skill in the art at the time the invention was made to have a well-known video acquire via broadcasting medium for the viewer to have more videos to watch from broadcasting medium.

18. **Claim 13** is rejected for the same reason as discussed in the corresponding claim 3 above.

19. **Claim 14** is rejected for the same reason as discussed in the corresponding claim 4 above.

20. **Claim 19** is rejected for the same reason as discussed in the corresponding claim 9 above.

21. Claims 8, 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US 7,319,480 by Akiyama et al. in view of US 6,731,952 by Schaeffer et al.

22. Regarding **claim 8**, Akiyama discloses the video playback device but fails to disclose:

- a wireless communication means; and
- video storage means stores video received by wireless communication means.

Schaeffer discloses

Art Unit: 2621

- a wireless communication means (col. 6 lines 29-43); and
- video storage means stores video received by wireless communication means (col. 6 lines 29-43).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify the proposed combination of Akiyama's system to include a wireless communication, as taught by Schaeffer, for the advantage of providing more flexibility to a user to have wireless communication to communicate with other viewer.

23. **Claim 18** is rejected for the same reason as discussed in the corresponding claim 8 above.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to NIGAR CHOWDHURY whose telephone number is (571)272-8890. The examiner can normally be reached on 9 AM - 5 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 2621

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

NC

05/07/2009

/JAMIE JO VENT ATALA/
Examiner, Art Unit 2621